

REMARKS

Claims 101-120 are pending in this application.

Applicant has cancelled Claims 81-100, without prejudice, and Applicant has added new Claims 101-120. Applicant respectfully submits that the newly added Claims 101-120 do not contain new matter. Applicant respectfully submits that the present invention, as defined by Claims 101-120, is patentable over the prior art.

Applicant has also deleted the Abstract of the Disclosure and has substituted therefor the new Abstract of the Disclosure which is attached hereto on a separate sheet. Applicant respectfully submits that the new Abstract of the Disclosure does not contain new matter.

Based on the foregoing amendments and the following Remarks, the application is deemed to be in condition for allowance and action to that end is respectfully requested.

I. THE 35 U.S.C. §112 REJECTIONS AND "FORMAL MATTERS":

The Examiner rejected Claims 81-100 under 35 U.S.C. §112, second paragraph, "as being incomplete for omitting essential steps, such omission amounting to a gap between the steps." As noted above, Applicant has cancelled Claims 81-100, without prejudice, and Applicant has added new Claims 101-120. Applicant respectfully submits that Claims 101-120 do not contain new matter.

Applicant respectfully submits that independent Claim 101 has been drafted so as to include all essential steps. Applicant further submits that there are no gaps between the steps of independent Claim 101. In view of the foregoing, Applicant respectfully submits that independent Claim 101, and Claims 102-120, which depend either directly or indirectly from independent Claim 101, are in compliance with MPEP §2172.01 and are in compliance with 35 U.S.C. §112. Withdrawal of the Examiner's rejection of the Claims under 35 U.S.C. §112 is respectfully requested.

The Examiner also rejected Claims 83-86 under 35 U.S.C. §112, second paragraph, "as being indefinite for failing to particularly point out and distinctly claim the

subject matter which applicant regards as the invention." As noted above, Applicant has cancelled Claims 81-100, including Claims 83-86, without prejudice, and Applicant has added new Claims 101-120. Applicant respectfully submits that Claims 101-120 do not contain new matter. Applicant respectfully submits that Claims 101-120 are in compliance with 35 U.S.C. §112. Withdrawal of the Examiner's rejection of the Claims under 35 U.S.C. §112 is respectfully requested.

II. THE 35 U.S.C. §102 AND §103 REJECTIONS:

The Examiner asserts that Claims 81-87, 92-93, 96-97, and 99 are rejected under 35 U.S.C. §102(e) as being anticipated by Capek, et al., U.S. Patent No. 6,026,369 (Capek). The Examiner further asserts that Claims 88-91, 94-95, 98, and 100 are rejected under 35 U.S.C. §103(a) as being unpatentable over Capek.

As noted above, Applicant has cancelled Claims 81-100, without prejudice, and Applicant has added new Claims 101-120. Applicant respectfully submits that the newly added Claims 101-120 do not contain new matter. Applicant respectfully submits that the present invention, as defined by Claims 101-120, is patentable over Capek and is patentable over the prior art.

III. THE PRESENT INVENTION, AS DEFINED BY CLAIMS 101-120, IS  
PATENTABLE OVER THE PRIOR ART:

Applicant respectfully submits that the present invention, as defined by Claims 101-120, is patentable over the prior art. Applicant respectfully submits that the present invention, as defined by independent Claim 101, is patentable over the prior art.

Applicant respectfully submits that the present invention, as defined by independent Claim 101, is patentable over Capek. Applicant submits that Capek does not disclose or suggest a computer-implemented method, comprising receiving a first request by a content provider to be notified regarding an occurrence of an event, wherein the event is at least one of a request by a merchant for advertising space, a change in an offered price for an advertising space, and a change in a term or condition for an advertising offering, detecting the occurrence of the event, wherein the occurrence of the event is automatically detected by a processing device, wherein the processing device is capable of servicing a plurality of merchants or is capable of detecting the occurrence of events associated with a plurality of merchants, generating a first message containing information regarding the event, wherein the first message is automatically generated by the processing

device in response to the occurrence of the event, and transmitting the first message to a computer or a communication device associated with the content provider, all of which features are specifically recited features of independent Claim 101.

Applicant submits that Capek does not disclose or suggest receiving the recited first request by a content provider to be notified regarding an occurrence of the recited event, wherein the recited event is at least one of a request by a merchant for advertising space, a change in an offered price for an advertising space, and a change in a term or condition for an advertising offering, and detecting the occurrence of the recited event, wherein the occurrence of the recited event is automatically detected by the recited processing device which is capable of servicing a plurality of merchants or is capable of detecting the occurrence of events associated with a plurality of merchants. Applicant submits that Capek does not disclose or suggest the recited processing device which is capable of servicing a plurality of merchants or is capable of detecting the occurrence of events associated with a plurality of merchants.

Applicant further submits that Capek does not disclose or suggest generating the recited first message containing the recited information regarding the recited event, wherein the recited first message is automatically generated by the recited processing device in response to the occurrence of the recited event. As noted above, Capek does not disclose or suggest the recited processing device which is capable of servicing a plurality of merchants or is capable of detecting the occurrence of events associated with a plurality of merchants. Applicant further submits that Capek does not disclose or suggest the recited first message which contains the recited information regarding the recited event.

Applicant further submits that Capek does not disclose or suggest transmitting the recited first message to the recited computer or the recited communication device associated with the content provider. As noted above, Capek does not disclose or suggest the recited first message which contains the recited information regarding the recited event.

Applicant submits that Capek does not disclose or suggest receiving a second request, wherein the second request is a request for information regarding an offer by a merchant associated with the event to create or establish an affiliated

marketing relationship or an advertising relationship, generating a second message, wherein the second message contains at least one of information regarding the offer by the merchant to create or establish an affiliated marketing relationship or an advertising relationship, information regarding the merchant, and contact information regarding the merchant, wherein the second message is generated by the processing device, transmitting the second message to the computer or the communication device associated with the content provider, receiving information indicating that the content provider has accepted the offer by the merchant to create or establish an affiliated marketing relationship or an advertising relationship, and processing the information indicating that the content provider has accepted the offer by the merchant to create or establish an affiliated marketing relationship or an advertising relationship between the merchant and the content provider, wherein the processing device processes the information indicating that the content provider has accepted the offer by the merchant, all of which features are still other specifically recited features of independent Claim 101.

Applicant submits that Capek does not disclose or suggest receiving the recited second request, wherein the

recited second request is a request for the recited information regarding an offer by a merchant associated with the event to create or establish an affiliated marketing relationship or an advertising relationship, and generating the recited second message which contains the recited at least one of information regarding the offer by the merchant to create or establish an affiliated marketing relationship or an advertising relationship, information regarding the merchant, and contact information regarding the merchant, which recited second message is generated by the recited processing device. As noted above, Applicant submits that Capek does not disclose or suggest the recited processing device. Further, Applicant submits that Capek does not disclose or suggest the recited second message.

Applicant further submits that Capek does not disclose or suggest transmitting the recited second message to the recited computer or the communication device associated with the content provider, receiving the recited information indicating that the content provider has accepted the offer by the merchant to create or establish an affiliated marketing relationship or an advertising relationship, and processing the recited information indicating that the content provider has accepted the offer by the merchant to create or establish

an affiliated marketing relationship or an advertising relationship between the merchant and the content provider. Applicant submits that Capek does not disclose or suggest the recited second message. Applicant further submits that Capek does not disclose or suggest the recited information indicating that the content provider has accepted the offer by the merchant to create or establish an affiliated marketing relationship or an advertising relationship and receiving the recited information indicating that the content provider has accepted the offer by the merchant to create or establish an affiliated marketing relationship or an advertising relationship.

Applicant further submits that Capek does not disclose or suggest the recited processing device and, therefore, Capek does not disclose or suggest the recited processing device which processes the information indicating that the content provider has accepted the offer by the merchant.

Applicant further submits that Capek does not disclose or suggest storing information regarding the affiliated marketing relationship or the advertising relationship between the merchant and the content provider in a database or a memory device, generating a third message containing

information that the affiliated marketing relationship or the advertising relationship was created or established between the merchant and the content provider, and transmitting the third message to a communication device or a computer associated with the merchant, all of which features are still other specifically recited features of independent Claim 101.

Applicant submits that Capek does not disclose or suggest storing the recited information regarding the affiliated marketing relationship or the advertising relationship between the merchant and the content provider in the recited database or the recited memory device, generating the recited third message containing information that the affiliated marketing relationship or the advertising relationship was created or established between the merchant and the content provider, and transmitting the recited third message to the recited communication device or the recited computer associated with the merchant.

Applicant submits that Capek does not disclose or suggest storing the recited information regarding the affiliated marketing relationship or the advertising relationship between the merchant and the content provider in the recited database or the recited memory device. Applicant

further submits that Capek does not disclose or suggest the recited third message containing information that the affiliated marketing relationship or the advertising relationship was created or established between the merchant and the content provider. Lastly, Capek does not disclose or suggest transmitting the recited third message to the recited communication device or the recited computer associated with the merchant. As noted above, Applicant submits that Capek does not disclose or suggest the recited third message and, therefore, Capek does not disclose or suggest transmitting the recited third message to the recited communication device or the recited computer associated with the merchant.

In view of the foregoing, Applicant respectfully submits that Capek does not disclose or suggest many of the specifically recited features of independent Claim 101 and, therefore, Capek does not disclose or suggest all of the features of independent Claim 101.

In view of the foregoing, Applicant respectfully submits that the present invention, as defined by independent Claim 101, is patentable over Capek. In view of the above, Applicant respectfully submits that the present invention, as defined by independent Claim 101, is patentable over the prior

art. Allowance of independent Claim 101 is, therefore, respectfully requested.

Applicant further submits that Claims 102-120, which Claims 102-120 depend either directly or indirectly from independent Claim 101, so as to include all of the limitations of independent Claim 101, are also patentable over the prior art as said Claims 102-120 depend from allowable subject matter.

Regarding Claim 102, the prior art does not disclose or suggest the computer-implemented method of Claim 101, wherein the computer-implemented method is performed on or over at least one of the Internet and the World Wide Web.

Regarding Claim 103, the prior art does not disclose or suggest the computer-implemented method of Claim 101, wherein the first message is transmitted to the computer or the communication device associated with the content provider in real-time.

Regarding Claim 104, the prior art does not disclose or suggest the computer-implemented method of Claim 101, further comprising transmitting information regarding an

advertisement associated with the merchant to a computer associated with the content provider via at least one of the Internet and the World Wide Web.

Regarding Claim 105, the prior art does not disclose or suggest the computer-implemented method of Claim 104, wherein the information regarding an advertisement associated with the merchant includes a banner advertisement.

Regarding Claim 106, the prior art does not disclose or suggest the computer-implemented method of Claim 104, wherein the information regarding an advertisement associated with the merchant includes a logo or an icon.

Regarding Claim 107, the prior art does not disclose or suggest the computer-implemented method of Claim 104, wherein the information regarding an advertisement associated with the merchant includes a link to a computer or a web site associated with the merchant.

Regarding Claim 108, the prior art does not disclose or suggest the computer-implemented method of Claim 104, further comprising placing information regarding the

advertisement associated with the merchant on a computer or a web site associated with the content provider.

Regarding Claim 109, the prior art does not disclose or suggest the computer-implemented method of Claim 101, further comprising determining a commission or a referral fee due to the content provider pursuant to the affiliated marketing relationship or the advertising relationship.

Regarding Claim 110, the prior art does not disclose or suggest the computer-implemented method of Claim 109, further comprising processing a payment of the commission or the referral fee due to the content provider pursuant to the affiliated marketing relationship or the advertising relationship.

Regarding Claim 111, the prior art does not disclose or suggest the computer-implemented method of Claim 101, further comprising processing information regarding a web site or a link visited, utilized, or navigated, by an individual or a user in connecting to a computer or a web site associated with the merchant.

Regarding Claim 112, the prior art does not disclose or suggest the computer-implemented method of Claim 101, further comprising storing information regarding a commission or a referral fee earned by the content provider pursuant to the affiliated marketing relationship or pursuant to the advertising relationship.

Regarding Claim 113, the prior art does not disclose or suggest the computer-implemented method of Claim 101, further comprising storing information regarding a payment of a commission or a referral fee to the content provider pursuant to the affiliated marketing relationship or pursuant to the advertising relationship.

Regarding Claim 114, the prior art does not disclose or suggest the computer-implemented method of Claim 101, further comprising at least one of storing and providing information regarding a past success rate of an advertisement and a success rate of the content provider.

Regarding Claim 115, the prior art does not disclose or suggest the computer-implemented method of Claim 101, wherein the third message is transmitted in an e-mail message.

Regarding Claim 116, the prior art does not disclose or suggest the computer-implemented method of Claim 101, further comprising administering a financial account for the merchant or for the content provider.

Regarding Claim 117, the prior art does not disclose or suggest the computer-implemented method of Claim 101, further comprising at least one of processing a financial transaction for the merchant or for the content provider, effectuating a payment from the merchant to the content provider, and receiving a payment on behalf of the content provider.

Regarding Claim 118, the prior art does not disclose or suggest the computer-implemented method of Claim 101, further comprising processing information regarding a transaction pursuant to the affiliated marketing relationship or the advertising relationship; generating a transaction notification report containing information regarding the transaction and a commission or a referral fee due the content provider; and transmitting the transaction notification report to the computer or the communication device associated with the content provider.

Regarding Claim 119, the prior art does not disclose or suggest the computer-implemented method of Claim 101, further comprising providing notification to the content provider of the occurrence of a transaction pursuant to the affiliated marketing relationship or the advertising relationship; determining a commission or a referral fee due to the content provider as a result of the transaction; and effecting a payment of the commission or the referral fee to an account associated with the content provider.

Regarding Claim 120, the prior art does not disclose or suggest the computer-implemented method of Claim 101, wherein the processing device services a plurality of merchants and services a plurality of content providers.

In view of the foregoing, Applicant respectfully submits that dependent Claims 102-120 are patentable over Capek. In view of the above, Applicant respectfully submits that dependent Claims 102-120 are patentable over the prior art. Allowance of pending Claims 101-120 is, therefore, respectfully requested.

**IV. CONCLUSION:**

In view of the foregoing, the application is deemed to be in condition for allowance and action to that end is respectfully requested. Allowance of pending Claims 101-120 is respectfully requested.

Respectfully Submitted,



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Encl.: - Abstract Of The Disclosure

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